

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  ALGONA MUNICIPAL UTILITIES	DOCKET NOS. TCU-00-36 TF-02-501 TF-02-502 199 IAC 39.2(4)
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**ORDER APPROVING TARIFF, ISSUING CERTIFICATE, AND  
DESIGNATING ELIGIBLE CARRIER**

(Issued October 28, 2002)

On September 26, 2002, Algona Municipal Utilities (Algona) filed with the Utilities Board (Board) a proposed local exchange tariff, identified as TF-02-501, and a proposed access tariff, identified as TF-02-502. The tariffs provide the terms, conditions, and rates for local exchange service in listed exchanges as described in the local exchange maps of Qwest Corporation. Revisions to the tariffs were filed on October 9, 2002.

On September 19, 2000, the Board issued an order in Docket No. TCU-00-36 approving Algona's application to provide service in the listed exchanges and approving the concurrence in the Qwest exchange maps. The order states that a certificate would be issued when Algona gave notice to all affected local exchange carriers and when Algona obtained an approved tariff setting forth the prices, terms, and conditions of local exchange service in Iowa. Algona requests the Board

approve the proposed tariffs and grant it a certificate to provide service in the listed exchange.

The Board has reviewed the proposed tariffs and finds they substantially comply with Board rules for the filing and processing of tariff pages. The tariffs contain rates for both business and residential customers. Notice was provided to all affected carriers. No material changes have been made to Algona's technical, managerial, and financial capabilities since Algona filed its original application. The Board will approve the tariffs effective the date of this order and issue a certificate of public convenience and necessity to Algona concurrent with this order.

Also on September 26, 2002, Algona filed an application for universal service eligible carrier status in Iowa. Algona asks that the Board designate it as an eligible telecommunications carrier pursuant to 199 IAC 39.2(4). No objections have been filed regarding this application.

Board rule 39.2 provides a means by which the Board can designate Iowa telecommunications companies to be eligible to receive funding from the Universal Service Fund, as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254. Under the Act (and Federal Communications Commission regulations implementing the Act), the Board must determine that a carrier meets the following service requirements before it may be designated an eligible carrier, as set forth in subrule 39.2(4):

- 1) Offer the services supported by the federal universal service fund;

- 2) Offer the service using its own facilities or a combination of its own facilities and resale (47 C.F.R. § 54.201(c) provides that "own facilities" include purchased unbundled network elements);
- 3) Advertise the availability of the supported services; and,
- 4) Offer the services throughout the service area of the designated carrier.

In its request for designation, Algona states that it satisfies each of these requirements. Based on that representation, the Board finds that Algona offers the services supported by the federal universal service fund, using its own facilities or a combination of its own facilities and resale of the facilities of another carrier. The Board finds that Algona advertises and offers the services throughout its designated service area.

The Board also notes that pursuant to a recent federal mandate, Algona is required to file an annual certification with the Board regarding its use of universal service funds. This filing should be made pursuant to the Board's recently adopted subrule 199 IAC 22.2(7).

**IT IS THEREFORE ORDERED:**

1. The tariffs filed by Algona Municipal Utilities on September 26, 2002, and its revisions filed on October 9, 2002, are approved effective the date of this order.
2. A certificate, identified as Certificate No. 0256, is being issued to Algona Municipal Utilities concurrent with this order.

3. Eligible telecommunications carrier status is granted to Algona Municipal Utilities as requested on September 26, 2002. The designated service area shall be Algona Municipal Utilities' service territory as established in its certificate of public convenience and necessity.

4. The Executive Secretary of the Board shall mail copies of this order to Algona Municipal Utilities, the Universal Service Administration Company, the Federal Communications Commission Universal Service Branch, and the Federal Communications Commission Office of the Secretary.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 28<sup>th</sup> day of October, 2002.